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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,498	06/29/2001	James S. Magdych	NA11P012/01.132.01	8154
28875	7590	07/28/2005		
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER SHIFERAW, ELENI A	
			ART UNIT 2136	PAPER NUMBER

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/895,498

Applicant(s)

MAGDYCH ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-2, 4-20, and 22-39.
Claim(s) withdrawn from consideration: _____.

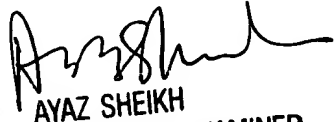
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Examiner disagrees with the applicant's amendments with respect to the amended claims 1, 4, 10, 15, 18, 22, 28, 33, and 36 and canceled claims 3, and 21, filed on July 7, 2005. Regarding claims 1, 18, and 36, Fujimori teaches a monitor node detecting and identifying the risk of unauthorized node, (which is connected to authorized node, see col. 2 lines 6-7), and evaluating the probability of having a negative impact on authorized node and instructing the authorized node to input and output data in the protected mode (col. 2 lines 5-12), Shostack teaches notifying/alarming an administrator if intrusion is detected (col. 6 lines 53-56), Fujimori teaches plurality of procedures to determine whether any unauthorized node is connected to the authorized nodes. For example: each of the authorized nodes may send a newly-connected-node-detection confirming signal to the monitor node via the communication network in response to detection of an additional node newly connected to the communication network, and in response to the newly-connected-node-detection confirming signal, the monitor node may determine whether any unauthorized node is connected to the communication network (col. 2 lines 24-34), and other procedure is the monitor node sends an encrypted secret code to the communication network nodes and thereby receives replies from the authorized nodes that the authorized nodes are duly authorized instruments. On the basis of the replies from the authorized nodes, the monitor node determines whether any unauthorized node is connected to the authorized nodes (col. 2 lines 39-49). Regarding claim 4, examiner disagrees. Shostack teaches continuous monitoring of the complete network, monitoring Internet Protocol devices, detecting potential security vulnerabilities, providing a map of all ports on the network and pings (Packet Internet Groper is a basic Internet program that lets us verify that a particular address exists) all Internet Protocol devices to expose potential security vulnerabilities (col. 7 lines 5-19). Regarding dependent claims 10, and 12-14, Examiner disagrees. Mizrachi discloses the method or a computer program product, wherein at least one of the procedures includes transmitting a first request for content to the target utilizing the network, and transmitting a second request for a cached version of the content to the target utilizing the network (page 3 par. 0029). Regarding dependent claims 15-17, Hopmann teaches a request without headers specifics (col. 16 lines 6-7).


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